

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------|--|----------------------|---------------------------------------|
| Application of: | Young et al. | Confirmation No.: | 3135 |
| Serial No.: | 10/657,363 | Art Unit: | 1648 |
| Filed: | September 8, 2003 | Examiner: | Hill, Myron G. |
| For: | ULTRA HIGH AFFINITY NEUTRALIZING ANTIBODIES | Attorney Docket No.: | 10271-159-999 (CAM: 209073-999157) |

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund in the amount of \$1410, which is the fee pursuant to 37 C.F.R. §1.17(t) filed by Applicants on March 31, 2009 in connection with the Petition to Accept an Unintentionally Delayed Claim for Priority Under 37 C.F.R. §1.78 ("Petition"). The Petition was dismissed by the Office of Petitions on June 17, 2009. However, the Office of Petitions later granted on September 10, 2009 Applicants' Request for Reconsideration of Decision on Petition, which was filed August 13, 2009.

Applicants respectfully submit, however, that the Petition instead should have been dismissed on all grounds--and no fee should have been incurred--in view of the fact that a Filing Receipt was mailed by the U.S. Patent and Trademark Office (USPTO) on March 28, 2004 and priority had already been properly recognized. The Filing Receipt was not (and currently is not) in the U.S. Patent and Trademark Office Patent Application Information Retrieval System (PAIR), but was later identified in Applicants' own physical file (see Appendix A).

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As such, Applicants respectfully request that the original petition fee in the amount of \$1410 be refunded to Jones Day Deposit Account 50-3013 (Ref. No. 10271-159-999).

Respectfully submitted,



Date: NOV. 6, 2009

For: Anthony M. Insogna
Tamera M. Weisser, Ph.D. (Reg. No. 47,856)

For: Anthony M. Insogna (Reg. No. 35,203)

JONES DAY

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Attachment (Appendix A)

U.S. Serial No. 10/657,363
Request for Refund
November 6, 2009
Appendix A

APPENDIX A:

FILING RECEIPT FOR U.S. SERIAL NO. 10/657,363

DATED MARCH 29, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/657,363 | 09/08/2003 | 1642 | 1570 | 469201-689 | 10 | 48 | 2 |

CONFIRMATION NO. 3135

CARRELLA, BYRNE, BAIN, GILFILLAN,
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, NJ 07068

FILING RECEIPT



OC000000012203162

Date Mailed: 03/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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 Leslie S. Johnson, Germantown, MD;
 William D. Huse, Del Mar, CA;
 Herren Wu, Houston, TX;
 Jeffery D. Watkins, Encinitis, CA;

Domestic Priority data as claimed by applicant

This application is a CON of 09/771,415 01/26/2001 PAT 6,656,467
 which claims benefit of 60/178,426 01/27/2000

Foreign Applications

If Required, Foreign Filing License Granted: 03/26/2004

Projected Publication Date: 07/08/2004

Non-Publication Request: No

Early Publication Request: No

Title

Ultra high affinity neutralizing antibodies

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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